

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

Houston Division

United States Courts
Southern District of Texas
FILED

APR 29 2019

Case No.

David J. Bradley, Clerk of Court

(to be filled in by the Clerk's Office)

"See attached"

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

"See attached"

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name _____

All other names by which
you have been known: _____

ID Number _____

Current Institution _____

Address _____

City

State

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name _____

Job or Title (*if known*) _____

Shield Number _____

Employer _____

Address _____

City

State

Zip Code

☐

Individual capacity

☐

Official capacity

Defendant No. 2

Name _____

Job or Title (*if known*) _____

Shield Number _____

Employer _____

Address _____

City

State

Zip Code

☐

Individual capacity

☐

Official capacity

I. Attachment A.

Plaintiff 1.

Juan-Carlos Hernandez
#02221218 TDC County 0300313
Waller County Jail 701 Calvitst Hempstead, TX 77445

Plaintiff 2. Aaron-lamar: Livingston

ID Number 023538
Waller County Jail 701 Calvitst Hempstead, TX 77445

Plaintiff 3. Jose-leonel: Martinez

ID Number 030475
Waller County Jail 701 Calvitst Hempstead, TX 77445

Plaintiff 4. Dontae-Rashun: Smith

ID Number 028027
Waller County Jail 701 Calvitst Hempstead, TX 77445

I. Attachment B

Defendant 1. Albert M. McCaig

Judge
506th Judicial District Court
836 Austinst Suite #307 Hempstead, TX 77445

Official capacity

Defendant 2. Elthon Mathis

District Attorney
506th Judicial District Court
645 12th St. Hempstead, TX 77445

Official Capacity

Defendant 3. Tiffany Bradshaw

Assistant District Attorney
506th Judicial District Court
645 12th St. Hempstead, TX 77445

Official Capacity

Defendant 4. Lee Van Richardson Jr

Defense Attorney
506th Judicial District Court
1047 Austin St. Hempstead, TX 77445

Official Capacity

Defendant 5. Zachary Coufal

Defense Attorney
506th Judicial District Court
200 East Alamo Brenham, TX 77833

Official Capacity

Defendant No. 3

Name _____

Job or Title (if known) _____

Shield Number _____

Employer _____

Address _____

City _____

State _____

Zip Code _____

☐

Individual capacity

☐

Official capacity

Defendant No. 4

Name _____

Job or Title (if known) _____

Shield Number _____

Employer _____

Address _____

City _____

State _____

Zip Code _____

☐

Individual capacity

☐

Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐Federal officials (a *Bivens* claim)☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

USC 18 § 241, USC 18 § 242, USC 18 § 2382

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

"See Attachment"

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☒ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☒ Other (*explain*) PSYCH HOUSE (ASH) Austin State Hospital

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

II.

Attachment D.

Albert .M. McCaig, Elthon Mathis, Tiffany Bradshaw
Lee Van Richardson, Zachary Coufal

We reserve ~~our~~ rights not to be Compelled to perform Under any Contract or Commercial agreement that we did not enter knowingly, voluntarily and intentionally. We did not accept the liability of the Compelled benefit of any Unrevealed Contract or Commercial agreement.

IV Attachment A.B.C.D

I Juan-Carlos Hernandez made a special appearance to correct my "name". Reserved my rights and was violated and trespassed against afterwards and ever day forward. This accord March 19th 2019, April 23rd 2019 till current day. This happened in 506th Judicial District Court in Hempstead, TX 77445. On March 19th Approximately 1:30 pm, April 23rd 2019 approximately 1:30 pm. Mr. McCaig told me I had no rights in open court on record both times. Told me I was an ~~idiot~~ idiot on both occasions. Told me he don't care about nothing about what I'm talking about and I'll continue to rot in his jail. He acted as a prosecutor. Every time I go in front of Mr. McCaig he argues with me and slanders my name. I told Mr. Mathis and Mr. Richardson I reserve my rights and they continued to try to defraud me. My mother Helen Slaughter, Barbara Mcnil, James Kallie was all witness to these accounts also Cleathris Harvey and Gumaire Harvey. I have wrote grievances on all this officers of the Court.

IV Attachment A B C D

On June, 18 2018 I Aaron-Lamar:Livingston aka Canaan: Bey American Moor, was Traveling in the city of Waller, and was being stalked by a private vehicle with two Mercenaries.

I was pulled over by the private vehicle approached by 7 Private and public vehicle with Mercenaries surrounding me, I was ask to step out, I refused with my sister on the phone, I then identified myself as Canaan: Bey with my passport and my citizenship card, I was ask to step out and approached by Bryan Dasher's investigator saying, "you are not a Moor" and took to jail.

I was interrogated By Bryan Dasher yelling about the previous lawsuit I was in pursuit of, its recorded.

I was called a domestic terrorist all through out the jail and courtroom I was even investigated By Rachael Biloni about being a Moor, ETC.

Every court date I Reserved my Rights and Filed UCC-1 financing statement doing business as Aaron-Lamar:Livingston, I have all the Business files claiming the Trust.

Tiffany Bradshaw, Albert McCaig and Lee Van Richardson continued To Deprive me of my national Rights calling me Black and Dead in law after my claim of Truth, I'm not U.S citizen or Black, I'm an American.

Albert McCaig acted outside Judicial capacity, everyone was attempting to kill me in law, after I refused to be that name, and I've been incarcerated for ten months, my Habeous Corpous Disappeared ~~two~~ times I sent to him.

Every time I went to court I ask for Valid contract he said oh well and continue to reset, I'm incarcerated for a civil action hypothicated as a crime alot more happen to me.

My Last Court date February 12 2019 I was Judge as incompetent and was sued while the Judgement of incompetent and ask to sign something by Lee Van Richardson on or around March, 19 2019.

Alot more has happend I wanna be heard, I've been incarcerated for Ten Months alot has happend.

IV Attachment A.B.C.D

I, Jose-Leonel Martinez made a Special appearance to correct my "name", reserved my rights and was violated and trespassed against afterwards and every day forward.

This happened in 506th Judicial District Court, Hempstead Texas 77445. On April 23, 2019, the Court called me in front of the Judge Mr. Albert M. McCaig for arraignment. He ask me some questions like howmany days I have been in Jail and my date of Birth, when He called my name I said that I was the Authorized Administrator to the JOSE LEONEL MARTINEZ TRUST. When I said this He got mad and said "you people" want to continue with this Uniform Commercial Code. He stood up and embarrass me in front of the whole audience by saying: "Well Mr. Martinez is saying that He is not a Corporation, I see him alive and moving", then He continue on by threaten me two 3rd. degree felonys.

After this He ask me if needed an Attorney, and told him, that I needed a legal advior and He whent on to appoint me an attorney anyways. After this he order to get me out of the Court.

Mr. Albert M. McCaig threats scared me to death, and until this day I can't sleep, I'm in fear, I'm scared to go to Court again, I'm scared to see Mr. McCaig face again, He realy did some mental damages to my brain.

After this, the Attorney that Mr. McCaig appoint me with out my consent served me with a reset papers for April 2 May. 21 2019.

On April 25th I had a court date I was referred to as DONTAE RASHUN SMITH I told him I wasn't that legal fiction trust name I was coerced into the entitle of the legal fiction in which I suffered damages as a living soul, for the liability of the legal fiction.

When I went in front of the court/Judge with my so called public defender in which approaching the Judge he told me to remain quiet in my best interest. Prior to the case he told my family that I could get no less or no more than 6 months but he was trying to convict me for 9 months in court. It didn't make sense because he also told my family it would be counted as County time but now they are giving me a state jail felony on my first offense F-TA, in which I never recieved a Court date. The D.A. issued me an \$3000 dollar bond, but he revoked my bond then removed me from the court without a reason. It was other people with worse situations than me and I was the only one discriminated against because I was the only one in the court denied bail; he denied my rights. I reserved my rights by contract. I previously submitted stating I choose to exercise my common law rights as a national, I reserved my rights not to perform nor to be compelled under any hidden or secret contracts. My public defender told me that submitting that paper work made the judge mad and he couldn't do anything for me at that point. Lenny Thibideaux who escorts us to the courthouse (the captain of the jail); afterwards said I must've made the judge mad prior to escorting me back to the jail. I provided them with a work history and explained to them I had a family that depending on me to be released today they replied they don't care.

I Dontae-Rashun Smith sui juris a common man of the sovereign people, am the authorized administrator to the DONTAE RASHUN SMITH Trust known as the 14 amendment artificial legal fiction AKA the 14 amendment corporation citizen, I am being conspired against title 18 Chapter 13 part 1 section 241, deprivation of rights title 18 Chapter 13 part 1 section 242.

C. What date and approximate time did the events giving rise to your claim(s) occur?

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Libel and Slander

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Injunction from Waller County Sheriff's office. Disbar all court officials in 506th Judicial District Court. Impeachment of Mr. McMaig
Dismissal of cases pending, immediate release from custody.
Damages and Relief funds:
Juan-Carlos Hernandez 280.8 million Federal Reserve Notes
Jose-Leonel Martinez 177.6 Million Federal Reserve Notes
Dontae Smith 153.8 million Federal Reserve Notes
Aaron-Lamar Livingston 251,200,000,000 Federal Reserve Notes.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Waller County Jail

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Do not know

If yes, which claim(s)?

N/A

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☒ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

- E. If you did file a grievance:

1. Where did you file the grievance?

State Commission of Judicial Conduct, The State Bar of Texas

2. What did you claim in your grievance?

McCaig - Acted out of Judicial Capacity, Defense Attorney's Deprived of Rights

3. What was the result, if any?

N/A

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

B.O.D.A Still in progress

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

N/A

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

N/A

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

N/A

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

N/A

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☒ Yes

☐ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) Aaron - Lamar : Livingston

Defendant(s) Nanci Anderson

2. Court (if federal court, name the district; if state court, name the county and State)

United States District Court for The Southern District of Texas Houston TX
Division

3. Docket or index number

4:18-cv-00658

4. Name of Judge assigned to your case

Stephen Smith David Hittner

5. Approximate date of filing lawsuit

February 2017 March 01, 2018

6. Is the case still pending?

☒ Yes

☐ No

If no, give the approximate date of disposition.

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

I was incarcerated before I could finish

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☒ Yes☐ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) Aaron - Lamar : Livingston

Defendant(s) Kevin Fitzgerald

2. Court (if federal court, name the district; if state court, name the county and State)

United State District Court for the Southern District of Texas
Houston Division

3. Docket or index number

4:18-cv-1557

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

June 12th, 2018

6. Is the case still pending?

☒ Yes☐ No

If no, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

I was incarcerated before the results, still pending.

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of ^{Autograph} signing: 4-27-2019

^{Autograph}
Signature of Plaintiff's

Printed Name of Plaintiff's

Prison Identification #

Prison Address

all Rights Reserved *UCC 1-308*
James L. King
James L. King
Jann Hernandez, Jose L. Martinez, Dontae Smith, Aaron Livingston
300313 , 030475 , 028027 , 023538
701 Calvi + St
Hempstead TX 77445
City State Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address